

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

June 13, 2001

DIVISION ONE

B143439 People (Not for Publication)
v.
Joshua B.
In re Joshua B., a Person Coming Under the Juvenile Court Law

The judgment is affirmed.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
Mallano, J.

B147069 People (Not for Publication)
v.
Daniel L.
In re Daniel L., a Person Coming Under the Juvenile Court Law

The judgment is affirmed.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
Ortega, J.

DIVISION ONE (Continued)

B122222	People v. Forbes	(Not for Publication)
B141048	People v. Forbes	
B144749	In re Forbes on Habeas Corpus	

The order to show cause heretofore issued in case No. B144749 is discharged, and the petition for a writ of habeas corpus is treated as an application to recall the remittitur in *People v. Forbes*, case No. B122222 (nonpub. opn. filed Dec. 1, 1999), and granted. The remittitur in case No. B122222 is recalled, the decision is vacated and the appeal is reinstated. The judgment is reversed in its entirety. The appeal in case No. B141048 is dismissed as moot.

Pursuant to Business and Professions Code section 6086.7, subdivision (b), the clerk of this court is directed to send a certified copy of this opinion to the State Bar.

Mallano, J.

We concur: Spencer, P.J.
Ortega, J.

DIVISION TWO

B135888	Colen	(Not for Publication)
	v.	
	Global Investments	

The orders of the trial court granting Global's discovery requests in part and denying Colen's discovery requests are affirmed. The judgment of dismissal as a terminating sanction is affirmed. Global to receive costs on appeal.

Cooper, J.

We concur: Nott, Acting P.J.
Todd, J.

DIVISION THREE

[illegible]

The judgment is affirmed.

Aldrich, J.

We concur: Croskey, Acting P.J.
 Kitching, J.

B143652 Los Angeles County, D.C.F.S. (Not for Publication)
v.
Isabel G.

That part of the order establishing an interim guardianship for the children is reversed. In all other respects the order is affirmed.

Aldrich, J.

We concur: Croskey, Acting P.J.
 Kitching, J.

B137595 Brenda Perez (Not for Publication)
v.
Tutor-Saliba Corporation et al.

The judgment awarding damages to Perez for negligent infliction of emotional distress is reversed. In all other respects the judgment is affirmed. Parties to bear their own costs on appeal.

Kitching, J.

We concur: Klein, P.J.
Aldrich, J.

DIVISION THREE (Continued)

B141523 Jannie Lin (Not for Publication)
v.
Intercommunity Dialysis Center et al.

The judgment in favor of Darwish and Naylon is affirmed, the judgment in favor of IDC is reversed, and the matter is remanded to the superior court for further proceedings consistent with this opinion. The parties shall bear their own costs on appeal.

Kitching, J.

We concur: Croskey, Acting P.J.
 Aldrich, J.

DIVISION FOUR

B135510 Denver D. Darling, Inc. (Certified for Publication)
v.
Controlled Environments Construction, Inc., et al.

The judgment is affirmed and modified to reflect that defendant Travelers is entitled to judgment in its favor without condition. The order denying Darco's attorney fees is reversed and the matter is remanded to the trial court for further proceedings in keeping with the views expressed herein. Costs on appeal are awarded to plaintiff Darco and against defendant Controlled.

Vogel (C.S.), P.J.

We concur: Hastings, J.
Curry, J.

B142174 Wright
v.
Mosley

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment)

DIVISION FOUR (Continued)

B138694 People (Not for Publication)
v.
Scott

The judgment of conviction is affirmed.

Epstein, J.

We concur: Vogel (C.S.), P.J.
 Hastings, J.

DIVISION FIVE

Court convened at 9:00 A.M.

Present: Turner, P.J., Grignon, J., Willhite, J. (Assigned) and Zaida G. Herandez, Deputy Clerk.

Each of the following:

B143892 People v. Derry Ross
B143743 People v. David Armstrong
B143588 People v. Setsuko Post
B145555 D.C.F.S. v. Celia C.
B139202 Holler v. Hopwood

Argument waived, cause submitted.

B146015	Los Angeles County, D.C.F.S. v. Ruth M.
B148362	In re Ruth M. on Habeas Corpus

Merits:
Argued by Lori A. Fields for appellant/petitioner and by Patrick D. Goodman, deputy county counsel, for respondent. Cause submitted.

DIVISION FIVE (Continued)

B141536 County of Los Angeles
v.
Cornel Negoescu

Merits:

Argued by Steven L. Sugars for appellant and by Susan E. Skelding, deputy district attorney, for respondent. Cause submitted.

B143107 Harbor Marina
v.
Golden Hills Properties

Merits:

Argued by Donald M. Fenmore for appellant and by William W. Steckbauer for respondent. Cause submitted.

B134935 Granitex Construction Company
v.
L.K. Comstock & Company, Inc., et al.
Gulf Insurance Company

Merits:

Argued by Robert L. Byer and Larry A. Rothstein for appellants and by Dale A. Ortmann for respondent. Cause submitted.

B141604 Falcon Group S.A.R.L. et al
v.
Chuck Norris International et al.

Merits:

Argued by Clifford W. Roberts Jr. for appellants/cross-respondents and by Joseph F. Hart and Anjani Mandavia for respondents/cross-appellants. Cause submitted.

DIVISION FIVE (Continued)

B143764 William Zepeda
v.
L.A. County Employees Retirement Assoc.

Merits:
Martin Reiner for appellant. No appearance by respondent. Argument waived, cause submitted.

B142026 Nestor Lopez
v.
Omar Perez

Merits:
Argued by Mario L. Acosta for appellant and by Barbara M. Reardon for respondent. Cause submitted.

B138180 Jack Trujillo
v.
Roger D. Ovegren

Merits:
Argued by Jack Edzant for appellant. No appearance for respondent. Cause submitted.

Court recessed.

Court reconvened at 11:50 A.M.

Present: Grignon, Acting P.J., Armstrong, J., Willhite, J. (Assigned) and Zaida G. Heraldez, Deputy Clerk.

Each of the following:

B143582 People v. Trynum Patterson
B146096 People v. Dwayne Montgomery
B146678 D.C.F.S. v. Jose R. (In Re Sindel R.)
B138533/B141710 IBACORP, Inc., et al. v. Barks et al.

Argument waived, cause submitted.

DIVISION FIVE (Continued)

B143230 People
 v.
 Naim Omar

Merits:
Argued by Allen G. Weinberg for appellant and by Kelly C. Fincher,
deputy attorney general, for respondent. Cause submitted.

B141912 Deanna W. Deering
 v.
 Byran S. Deering

Merits:
Argued by Ernest A. Martz for appellant and by Colleen Anne Barberis for
respondent. Cause submitted.

B144376 People
 v.
 Humberto Urquiza

Merits:
Argued by Jan B. Norman for appellant and by Myung J. Park, deputy
attorney general, for respondent. Cause submitted.

Court recessed 12:00 P.M.

Court reconvened at 1:00 P.M.

Present: Grignon, Acting P.J., Armstrong, J., Willhite, J. (Assigned) and Zaida G.
Heraldez, Deputy Clerk.

B144191 Edgar Leon
 v.
 City of Los Angeles et al.

Merits:
Argued by Diane Marchant for appellant and by Janis Levart Barquist,
deputy city attorney, for respondent. Cause submitted.

DIVISION FIVE (Continued)

B140248 Pamela J. Brown
v.
Frank I. Fletcher et al.

Merits:
Argued by Bruke W. Willsey for appellant and by Robert K. Holmes for respondents. Cause submitted.

B144781 Sixth RMA Partners
v.
Arnold C. Park et al.

Merits:
Argued by James Hunter for appellants and by Holly Metzler Walker for respondent. Cause submitted.

B144781 Cecile Earle
v.
Darryl Wong et al.

Merits:
Argued by Edward S. Renwick for appellants and by George Kaelin for respondent. Submission deferred for 10 days awaiting the filing the letter briefs.

Court adjourned.

DIVISION SIX

B146953 People (Not for Publication)
v.
Jackson

The judgment is affirmed.

Gilbert, P.J.

We concur: Yegan, J.
Coffee, J.

DIVISION SIX (Continued)

[illegible]

The judgment is affirmed.

Gilbert, P.J.

We concur: Yegan, J.
Perren, J.

[illegible]

The judgment is affirmed.

Yegan, Acting P.J.

We concur: Coffee, J.
Perren, J.

B146472 People
v.
Perrell

(Not for Publication)

The judgment is affirmed.

Perren, J.

We concur: Yegan, Acting P.J.
Coffee, J.

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DIVISION SIX (Continued)

B147237 People (Not for Publication)
v.
Valencia

The judgment is affirmed.

Coffee, J.

We concur: Gilbert, P.J.
Perren, J.

B139769 Hanlon (Not for Publication)
v.
Lamoureux

Insofar as the judgment permitted the Lamoureuxs to erect another locked gate, it is reversed. Insofar as the judgment declared that the Hanlons have a prescriptive easement, it is affirmed. Costs are awarded to the Hanlons.

Perren, J.

We concur: Yegan, Acting P.J.
Coffee, J.

B140719 Miller (Not for Publication)
v.
City of Pismo Beach

The judgment is affirmed. Each party shall bear its own costs and attorney fees on appeal.

Yegan, J.

We concur: Gilbert, P.J.
Perren, J.

DIVISION SIX (Continued)

B142957 Santa Barbara Co. Child (Not for Publication)
 Welfare Services
 v.
 Donna B.

The judgment (orders denying section 388 hearing and terminating parental rights) is affirmed.

Perren, J.

We concur: Gilbert, P.J.
 Yegan, J.

B142449 People (Not for Publication)
 v.
 Ballardo

The judgment is affirmed.

Gilbert, P.J.

We concur: Yegan, J.
 Perren, J.

B142766 People (Not for Publication)
 v.
 Craig

One of the 60-years-to-life sentences arising from the rape is vacated and the matter is remanded for sentencing under either section 667.6, subdivisions (c) or (d). The 10-year firearm use enhancement pursuant to section 12022.53 on the remaining 60-years-to-life sentence is stricken, leaving a 50-years-to-life sentence for that count. Six days of presentence credit are added. In all other respects the judgment is affirmed.

Gilbert, P.J.

We concur: Coffee, J.
 Perren, J.

DIVISION SIX (Continued)

B147822 Collins (Certified for Publication)

V.

Ventura County Superior Court

(The People, r.p.i.)

Let a peremptory writ of prohibition issue directing the Superior Court of Ventura County to take no further action in the case of *People v. Collins*, No. CR48697, other than to dismiss the said proceeding.

Perren, J.

We concur: Gilbert, P.J.

Coffee, J.

DIVISION SEVEN

B143437 People (Not for Publication)

v.

Jesse T.

The order under review is modified insofar as the court calculated the maximum theoretical period of confinement was six years. The order for the maximum theoretical period of confinement is modified to a period of confinement of 5 years 10 months. As modified, the order under review is affirmed.

Woods, J.

We concur: Lillie, P.J.

Boland, J. (Assigned)